

REMARKS

In the Office Action, the Examiner rejected claims 13-18. By the present Response, Applicants have added claims 26-36, support for which is found throughout the application, particularly at page 12, lines 12-16 and Fig. 1. Upon entry of these amendments, claims 13-18 and 26-36 will be pending in the present patent application. In light of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 13-18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The test for definiteness under 35 U.S.C. § 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 U.S.P.Q.2d 1081, 1088 (Fed. Cir. 1986). As the Federal Circuit has noted, “[i]f the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, § 112 demands no more.” *Miles Laboratories Inc. v. Shandon Inc.*, 27 U.S.P.Q.2d 1123, 1126 (Fed. Cir. 1993). In view of these legal precedents, Applicants respectfully traverse this rejection.

With respect to the aforementioned claims, in the Office Action, the Examiner asserted that

The term “squeezing” in claims 13 and 15 is used by the claim to mean “apply pressure on the cam arm and on the removal arm in opposite directions toward each other”, while the accepted meaning is “exert pressure on opposite sides of an object as to compress.” The term is indefinite because the specification does not clearly redefine the term.

Office Action, p. 3.

In regard to the Examiner's comments, the Applicants respectfully note that the Examiner has used quotations to attribute a meaning of the term "squeezing," presumably to the Applicants. The Applicants, however, cannot find the quoted language either in the application or in previous communications with the Patent and Trademark Office. Furthermore, the Applicants, upon reviewing the application and the previous communications, find no basis for the Examiner to attribute to the instant claims a definition of the word "squeezing" that is contrary to common usage. If the aforementioned phrase is in fact a quotation, Applicants respectfully request that the Examiner provide a citation, so the Applicants can reevaluate the claim language in light of this disclosure. Furthermore, the Applicants respectfully request that the Examiner provide citations to the other materials, presumably dictionaries, from which the Examiner quotes so that the Applicants may fully and knowledgeably respond to the Examiner's comments.

Notwithstanding the language quoted by the Examiner to support an indefiniteness rejection, Applicants believe the use of the word "squeezing" in claims 13 and 15 comports with the accepted meaning of the word asserted by the Examiner: "exert[ing] pressure on opposing sides of an object as to compress." The instant claims describe applying pressure to opposite sides of the cam arm and the removal arm, i.e. squeezing them together, which compresses the space between them. At the same time, the opposing pressure on the cam arm and removal arm deforms the retainer clip body and expands the space between the latching portions. Thus, in a manner analogous to *squeezing* the two handles of a hinged clothespin or a binder clip together to cause the two gripping portions to spread apart, the instant claims describe squeezing the cam arm and removal arm together to cause the latching portions of the retainer clip to separate. The fact that some parts of the claimed device separate at the same time the squeezed parts of the device move toward each other does not mean that the portions moving

toward each other are not being squeezed together. Accordingly, claims 13 and 15 do not ascribe a meaning to the word “squeezing” that is outside the scope of common usage.

Therefore, Applicants respectfully assert that independent claims 13 and 15 and their respective dependent claims are not indefinite. In light of the preceding arguments, Applicants respectfully request reconsideration and allowance of the instant claims.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected independent claim 13 and its dependent claim 14 as being anticipated by Lee (U.S. Patent 6,318,452) under 35 U.S.C. § 102(b).

A prima facie case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice, or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Because the cited reference fails to disclose *all* the recited subject matter of the instant claims, Applicants respectfully traverse the rejection.

With regard to claim 13, the Examiner stated that:

Lee discloses a method of removing a retainer clip 10 comprising raising a rotatable cam arm 30 from a first position relative to a retainer clip body to a second position, squeezing the cam arm and a removal arm 16 together so that the retainer clip body is temporarily deformed *such that a first latching portion 15 and a second latching portion of the retainer clip are separated* and disengaging the retainer clip from a retaining member 40.

Office Action, p. 4. (Emphasis added.)

The Applicants note that, contrary to the Examiner’s analysis, the Lee reference is deficient for a variety of reasons. For example, the Lee reference does not disclose a removal arm, as recited in claim 13. In the present context, an “arm” may be defined as

“a slender part of a structure, machine, or an instrument projecting from a main part, axis, or fulcrum.” *See* Merriam-Webster’s Collegiate Dictionary, p. 67 (11th ed. 2003). The Lee reference discloses no such removal arm.

Instead, the Examiner has equated the recited removal arm with the connecting portion 16 of the Lee reference. However, a review of Fig. 2 (as well as Figs. 1, 3, and 4) and the associated text of the Lee reference clearly demonstrates that the connecting portion 16, along with the spring portion 12, form part of the body 10 of the clip 1. *See* Lee, col. 2, lines 21-29. In particular, the connecting portion 16 does not project from the main axis of the body 10, as an arm would, but instead is a component of the body 10 along the main axis. Indeed, a careful review of the figures and text of the Lee reference does not disclose any structure that may be construed as a removal arm, as recited in claim 13.

Furthermore, even if the connecting portion 16 were construed to be a removal arm, as recited, the Lee reference does not disclose squeezing a cam arm and the connecting portion together *so that the latching portions are separated*. Indeed, the device taught by Lee would be inoperative if squeezing a cam arm and the connecting portion together caused the latching portions to separate.

In particular, the Lee reference teaches pressing the actuating member 30 (equated to the cam arm by the Examiner) and connecting portion 16 together when *locking* the device. *See* Lee, col. 3, lines 1-12 and Fig. 3. However, successfully locking the device, as taught by the Lee reference, precludes separation of the latching portions because, if the latching portions separate, then they have nothing on which to latch. *See* Fig. 3. In other words, to the extent that the Lee reference discloses pressing the actuating member 30 and the connecting portion 16 together, it is to lock the clip 1 (*See* Fig. 3, and col. 2, line 63 to col. 3, line 1), which is inconsistent with the separation of the latching portions. Accordingly, the Lee reference fails to disclose squeezing the actuating member 30 and

the connecting portion 16 together so that the latching portions are separated, as recited in claim 13.

Therefore, Applicants stress that the Lee reference does not anticipate independent claim 13 or its dependent claim 14. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

IN THE DRAWINGS

In response to the Examiner's objection on page 2 of the Office Action, a replacement sheet of drawings depicting Figs. 2 and 3 is submitted. Reference number 118, indicating the "clip bottom surface" in accordance with the text, has been added to Fig. 2 of the replacement sheet. The Applicants respectfully request that this replacement sheet be entered into the record and that the Examiner withdraw the objection to the drawings.